



0267-001-1415CIP9

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of : Steve Campolo et al.
Serial No. : 09/812,288
Filed : March 20, 2001
For : Circuit Interrupting Device With Reset Lockout And Reverse Wiring Protection And Method Of Manufacture
Examiner : Donovan, Lincoln D.
Art Unit : 2832

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Sir:

This is in reply to the Office Action dated November 30, 2004 on the above referenced case. The term for reply, including a three month extension, is set to expire May 30, 2005.

SEARCHED INDEXED
SERIALIZED FILED
MAY 30 2005
U.S. PATENT & TRADEMARK OFFICE
CUSTODIAN OF RECORDS

required to make this amendment timely and is hereby authorized to charge any fee for such an extension of time or credit an overpayment for an extension of time to Deposit Account No. 12-1185 of Leviton Manufacturing Co., Inc.

Respectfully submitted,



Date: May 18, 2005

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mechanism for the two springs is located in the top face of the housing for the circuit breaker.

Thus, Benek discloses the structure of two springs for opening the contacts of a circuit breaker, not a GFCI. Therefore, to pretrip Benke as suggested by the Examiner means only that the contacts of the circuit breaker are opened and that they can be closed at any time, even when the circuit breaker is not operating properly. In counter distinction, when our invention is in its tripped state, the contacts cannot be closed when the circuit interrupting portion is not operating properly. When our device is tripped it cannot be set to its conducting state unless the circuit interrupting portion of the GFCI is operating properly. This is totally different from pretripping or opening the contacts of a circuit breaker as disclosed by Benke. As noted above, with Benke, when the circuit breaker is not operating properly and it is pretripped, its contacts can still be closed and the circuit breaker can still conduct. Clearly, Benke cannot be set to a reset lock out state as disclosed and claimed by us.

There is a substantial difference between a circuit breaker that is pretripped as disclosed by Benek; and a GFCI that is tripped as disclosed and claimed by us.

Our claims avoids the Benek reference by reciting the steps of...receiving for distribution a circuit interrupting device having a reset lockout portion, manual trip and reverse wiring protection manufactured in a tripped state and placing the circuit interrupting device in the stream of commerce while in the tripped state.

It is our understanding that claims 3, 4 and 6 - 18 clearly avoid the art of record and, therefore, are now believed to be in condition for allowance.

Early and favorable reconsideration is respectfully requested. The Commissioner is hereby authorized to charge any fees which may be required for the amendment, or credit any overpayment to Deposit Account No. 12-1185 of Leviton Manufacturing Co., Inc.

In the event that an extension of time is required to make this amendment timely filed, the Commissioner is requested to grant a petition for that extension of time which is

PATENT APPLICATION FEE DETERMINATION RECORD

Effective December 8, 2004

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CLAIMS AS FILED - PART I

(Column 1) (Column 2)

TOTAL CLAIMS		
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	minus 20 =	*
INDEPENDENT CLAIMS	minus 3 =	*
MULTIPLE DEPENDENT CLAIM PRESENT	<input type="checkbox"/>	

* If the difference in column 1 is less than zero, enter "0" in column 2

CLAIMS AS AMENDED - PART II

(Column 1) (Column 2) (Column 3)

AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	* 17	Minus	** 29	= 0
Independent	* 10	Minus	** 4	= 6
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				

1,2,3,6,8, 10, 13, 14, 17, 18,

SMALL ENTITY
TYPE OR OTHER THAN
SMALL ENTITY

RATE	FEES	RATE	FEES
BASIC FEE	150.00	OR BASIC FEE	300.00
X\$ 25=		OR X\$50=	
X100=		OR X200=	
+180=		OR +360=	
TOTAL		OR TOTAL	

OTHER THAN
SMALL ENTITY OR SMALL ENTITY

RATE	ADDI- TIONAL FEE	RATE	ADDI- TIONAL FEE
X\$ 25=		OR X\$50=	
X100=		OR X200=	1200
+180=		OR +360=	
TOTAL ADDIT. FEE		OR TOTAL ADDIT. FEE	1200

AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	* Minus	**	=	
Independent	* Minus	***	=	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				

RATE	ADDI- TIONAL FEE	RATE	ADDI- TIONAL FEE
X\$ 25=		OR X\$50=	
X100=		OR X200=	
+180=		OR +360=	
TOTAL ADDIT. FEE		OR TOTAL ADDIT. FEE	

AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	* Minus	**	=	
Independent	* Minus	***	=	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				

RATE	ADDI- TIONAL FEE	RATE	ADDI- TIONAL FEE
X\$ 25=		OR X\$50=	
X100=		OR X200=	
+180=		OR +360=	